

## REMARKS

This is a full and timely response to the outstanding non-final Office Action mailed May 30, 2006. Upon entry of the amendments in this response, claims 4 – 7 are pending. In particular, Applicant has added claims 5 - 7, has amended claim 4, and has canceled claims 1 - 3 without prejudice, waiver, or disclaimer. Applicant has canceled claims 1 - 3 merely to reduce the number of disputed issues and to facilitate early allowance and issuance of other claims in the present application. Applicant reserves the right to pursue the subject matter of these canceled claims in a continuing application, if Applicant so chooses, and does not intend to dedicate the canceled subject matter to the public. Reconsideration and allowance of the application and presently pending claims are respectfully requested.

### Rejections Under 35 U.S.C. §102

The Office Action indicates that claims 1 – 4 stand rejected under 35 U.S.C. §102(b) as being anticipated by *Ralph*. As set forth above, Applicant has canceled claims 1 – 3 and respectfully asserts that the rejections as to these claims have been rendered moot. With respect to claim 4, Applicant respectfully traverses the rejection.

In this regard, *Ralph* discloses an assembly that includes two longitudinal plates that can be adjusted to accommodate various lengths of the assembly. Adjustment, however, is fixed. Specifically, *Ralph* discloses:

In order to secure the plates 100a, 100b in the selected position, the plate assembly 100 further includes a lock assembly for locking the prongs 102a, 102b within the bore 104a at the selected position. ***Activation of the lock assembly secures the relative position of the plates 100a, 100b so that the desired length of the plate assembly 100 is fixed.***

(*Ralph* at column 8, lines 25 – 31). (Emphasis added).

This is in direct contrast to the features recited in Applicant's claims.

In this regard, Applicant has amended claim 1 to recite:

4. An anterior cervical corpectomy plate, comprising:
  - a first plate member having a first mount and a first support member extending from said first mount;
  - a second plate member having a second mount and a second support member extending from said second mount;
  - a plurality of apertures disposed in said first mount and said second mount;
  - a stop disposed on said first plate member;
  - wherein said first support member and said second support member are adapted to engage each other in an axially adjustable manner, *with said first support member being sized and shaped such that at least a portion thereof is receivable within said second support member, and said stop is adapted to limit such axial adjustment by being mounted to said first support member and extending outwardly therefrom such that, as said first support member is inserted into said second support member and axially adjusted to draw said first mount and said second mount toward each other, further axial adjustment of said first mount and said second mount toward each other is prevented upon the stop contacting an end of said second support member; wherein the stop permits axial adjustment of said first mount and said second mount away from each other.*

(Emphasis added).

Applicant respectfully asserts that the cited art, either individually or in combination, is legally deficient for the purpose of rendering claim 4 unpatentable. In particular, Applicant respectfully asserts that none of the references or combinations thereof teaches or reasonably suggests at least the features/limitations emphasized above in claim 4. Therefore, Applicant respectfully asserts that claim 4 is in condition for allowance.

Since claims 5 - 7 are dependent claims that incorporate all the features/limitations of claim 4, Applicant respectfully asserts that these claims also are in condition for allowance. Additionally, these claims recite other features/limitations that can serve as an independent basis for patentability.

**Cited Art Made of Record**

The cited art made of record has been considered, but is not believed to affect the patentability of the presently pending claims.

**CONCLUSION**

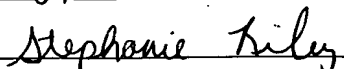
In light of the foregoing amendments and for at least the reasons set forth above, Applicants respectfully submit that all objections and/or rejections have been traversed, rendered moot, and/or accommodated, and that the pending claims are in condition for allowance. Favorable reconsideration and allowance of the present application and all pending claims are hereby courteously requested. If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned attorney at (770) 933-9500.

Respectfully submitted,

  
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I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, postage prepaid, in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on 8/30/06.

  
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